

REMARKS

Claims 1, 2, 4 – 10, and 12 – 34 are in the application. Claims 1, 33, and 34 were previously presented; claims 3 and 11 are canceled; and claims 2, 4 – 10, and 12 – 32 remain unchanged from the original versions thereof. Claims 1, 33, and 34 are the independent claims herein.

No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1-2, 13-15, 18-20, 22-23, 25-27, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marc Schniederjans, *Strategic Acquisition Management: A Multi-Objective synergistic Approach*, The Journal of the Operational Research Society, Vol. 40, No. 4 (April 1989) (hereinafter, Schniederjans) in further view of *Casino Gambling in New Jersey – A Report to the National Gambling Impact Study Commission*, New Jersey Casino Control Commission, (January 1998) (hereinafter, NJCCC) in view of Packwood, U.S. Patent No. 7,006,992 and in further view of Masch, U.S. Patent No. 5,930,762. This rejection is traversed.

Regarding the alleged disclosure of Schniederjans concerning the claimed “receiving into the computer system data descriptive of informational artifacts with content related to at least one of: reputational risk, legal risk, regulatory risk, and risk related to monetary costs to defend an adverse position”, Applicant notes that Schniederjans does not disclose or even intimate the claimed data descriptive of informational artifacts with content related to at least one of: reputational risk, legal risk, regulatory risk, and risk related to monetary costs to defend an adverse position. The only mention of “risk” is the acquisition-factor category of “dilution of earnings risk analysis” in the functional area of Finance, as shown in Table 1, page 335. No discussion of the listed “dilution of earnings risk analysis” is provided in Schniederjans.

Further, dilution of risk analysis does not, in isolation as listed in Table 1, suggest or refer to reputational risk, legal risk, regulatory risk, and risk related to monetary costs to defend an adverse position. Thus, Schniederjans fails to disclose that which the Office Action cites and relies upon it for disclosing.

The Office Action cites and relies on Packwood, "column 9 generally" for allegedly disclosing the claimed aspect of generating a risk quotient comprising a quantitative value of an amount of risk. The Office Action cites and relies upon the Merriam-Webster Online Dictionary to find a definition of a risk quotient that fits the Office Action's rejection. Applicant respectfully submits that the claimed risk quotient is adequately claimed and described in sufficient detail so as to avoid any need to look to extrinsic evidence such as a dictionary to determine the meaning of the claimed "risk quotient". That is, the Examiner appears to have improperly and unnecessarily looked outside of the claims, and even the Specification, by referring to a dictionary to determine the meaning of the claimed "risk quotient". Applicant submits that claim 1 recites,

generating a risk quotient comprising a quantitative value of an amount of Gaming Industry related Risk, wherein calculating the risk quotient criteria comprises a value determined by the steps of:

associating a numerical weight with each of a plurality of risk variables;

associating one or more of the risk variables with the data descriptive of details of a Financial Transaction;

determining a numerical value based upon the content of the data descriptive of details of a Financial Transaction associated with the one or more risk variables; and

multiplying the numerical value based upon the content by the numerical weight associated with each of the risk variables associated with the data descriptive of details of a Financial Transaction; and

generating a report comprising data descriptive of the informational artifacts associated with the at least one Gaming Industry entity associated with the Financial Transaction.

Thus, it is clear that claim 1 itself provides a sufficient, clear, and detailed explanation of what is referred to or meant by the term "risk quotient". Applicant therefore reiterates that the Office Action impermissibly cites and relies upon extrinsic

evidence to define the claimed risk quotient, contrary to the clear, concise, and detailed recitations of the claim.

The Office Action cites and relies upon Masch for allegedly disclosing the claimed aspects of associating a numerical weight with each of a plurality of risk variables (Masch, column 20, In. 8 – 10); associating one or more of the risk variables with the data descriptive of details of a Financial Transaction (Masch, column 20, In. 5 – 12, and “Background of the Invention”); determining a numerical value based upon the content of the data descriptive of details of a Financial Transaction associated with the one or more risk variables (no specific citation, only “column 20 generally”); and multiplying the numerical value based upon the content by the numerical weight associated with each of the risk variables associated with the data descriptive of details of a Financial Transaction; and generating a report comprising data descriptive of the informational artifacts associated with the at least one Gaming Industry entity associated with the Financial Transaction.

It is not clear from the Office Action what specific portions of Masch are intended to correspond to the claimed aspects of “multiplying the numerical value based upon the content by the numerical weight associated with each of the risk variables associated with the data descriptive of details of a Financial Transaction” and “generating a report...” since the Office Action states “[F]inally, Masch teaches applying weights (See column 20, lines 60-65). The true intent and meaning of this statement is not fully understood since (1) the phrase “applying weights” is not specific and is very generic, and (2) Applicant does not claim “applying weights”. Thus, the Office Action does not provide a clearly reasoned line of statements and arguments to support the rejection of claim 1 regarding the claimed aspects of “multiplying the numerical value” and “generating a report” since the Office Action fails to even provide a proper indication of the alleged corresponding disclosure in the cited art.

Additionally, Applicant notes that the Office Action further fails to provide a *prima facie* case of obviousness since, in part, the Office Action fails to cite the asserted reference with the requisite specificity. Applicant reminds the Office of the Examiner's

obligation for specificity in rejecting a claim based on prior art. In particular 37 CFR

1.104 *Nature of examination states,*

(c) *Rejection of claims.*

(1) If the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected.

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (emphasis added)

Applicant notes that the Masch reference is not related to risk associated with the gaming industry of the current application. Additionally, the Background of the Invention section of Masch encompasses columns 1 through 16. Applicant submits that the Examiner has failed to meet the burden of designating the part of the Masch reference relied upon "as nearly as practicable", as is required under 37 CFR 1.104 by merely citing columns 1 - 16.

Applicant also notes that regarding the supposed disclosure by Masch of risk variables that are associated with a financial transaction (e.g., column 20 lines 5 -12) Masch actually discloses,

Weighting diverse optimality criteria in multicriterion models to merge them into a single criterion model, such as LP, is a technique well known in state-of-the-art methods. Weighting such disparate model results as, e.g., waste water and financial loss, may also have been used before. This invention introduces a new element to the weighting approach, whereby several values of the weights are used simultaneously, which is achieved by increasing the number of scenarios.

Thus, it is not seen where Masch discloses the claimed aspect of receiving data descriptive of a Financial Transaction. Additionally, other parts of Masch do not appear to disclose the claimed financial transaction data. The mere mentions of financial loss model results or applying some aspects in Masch to managing a financial portfolio is not the same as or itself a disclosure of the claimed financial data.

Applicant notes that the claimed steps comprising the claimed generating of a risk quotient are not disclosed or even suggested by the cited and relied upon Masch. Applicant's claimed steps are quite specific and drafted to claim that which Applicant regards as the invention. In relying on Masch however, the Office Action cites very generic terms and passages, none of which are related to the specifics of the claims. For example, "associating one or more of the risk variables with data descriptive of details of the Financial transaction associated with one or more risk variables"; "determining a numerical value based upon the content of the data descriptive of details of a Financial Transaction associated with the one or more risk variables"; "multiplying the numerical value based upon the content by the numerical weight associated with each of the risk variables associated with the data descriptive of details of a Financial Transaction"; and "generating a report comprising data descriptive of the informational artifacts associated with the at least one Gaming Industry entity associated with the Financial Transaction" as particularly claimed by Applicant is not seen or supported by the disclosure of Masch.

Accordingly, Applicant submits that the combination of Schniederjans, NJCCC, Packwood, and Masch fails to disclose that for which it is cited and relied upon for disclosing in rejecting claim 1. Applicant submits that claims 33 and 34 are similar to claim 1. Applicant submits that claims 2, 13 – 15, 18 – 20, 22, 23, 25 – 27 depend from claim 1 and are also patentable over the combination of Schniederjans, NJCCC, Packwood, and Masch under 35 USC 103.

Claims 4 – 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Carreker, "Antinori Forms Risk Management Unit: New Service Helps Banks Identify, Reduce Operations Risk," (Nov. 17, 1997); Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCC and in further view of official notice; and claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of George Weir's article, "Can Fiduciaries Avoid Liability Under Environmental Law?" (July/August 1992); Claim 16

was rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Tony Batt, "Indians protest proposed changes in gaming regulations," Las Vegas Review (April 27, 1994); Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Axicom®, PerformanceData to Link List Databases; Agreement Provides Credit Data, Real Property/Demographic Data, PR Newswire, (July 27, 1999); Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Ralph Vartabedian, US Mounts High-Stakes Computer Reform Effort; Technology: The aim is to reverse decades of failing performance. Experts are encouraged at changes' breadth. Series: Federal Computers: Is System Haywire? Last of Three Parts, Los Angeles Times (December 10, 1996); Claims 24 and 28-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Greco U.S. Patent No. 5,809,478; and Claims 30 – 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Beverina U.S. Patent No. 7,231,327. These rejections are traversed.

Applicant respectfully submits that claims 4 – 8, 9, 10, 12, 16, 17, 21, 24, 28, 29, and 30 – 32 even combined with the argued references cited in the respective rejections, do not overcome the deficiencies of the references also argued against the base claim 1. Therefore, Applicant submits that claims 4 – 8, 9, 10, 12, 16, 17, 21, 24, 28, 29, and 30 – 32 are also patentable over the argued combinations of references under 35 USC 103.

Applicant therefore requests the reconsideration and withdrawal of the rejections under 35 USC 103, and the allowance of the claims. In the event the Office maintains the rejections, Applicant requests the Office withdraw the finality of the current Office Action to correct the deficiencies of the rejections(s).

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

/Randolph P. Calhoun/
Randolph P. Calhoun
Registration No. 45371
Buckley, Maschoff & Talwalkar LLC
50 Locust Avenue
New Canaan, CT 06840
(203) 972-5985